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JUN 21 2004

OFFICIAL**From:**
Richard E. Kurtz, II**Tel:**
(703) 749-1330**E-Mail:**
kurtzr@gtlaw.com

To:	Fax No:	Company:	Phone No.:
Examiner Kevin K. PYO Group Art Unit 2878	(703) 872-9306	U.S. Patent and Trademark Office	(571)272-2445

File No.: Attorney Docket: 37724.012200**Re:** Application of Paul G. Duncan et al.
Serial Number 09/871,692
Filed June 4, 2001
Title: Fiber Optic System and Method for Measuring the Pressure of Media**Date:** June 21, 2004 04:45 PM**No. Pages:** Including Cover Sheet 9If you do not receive all pages properly, please call (703) 749-1381.**Notes:** Per your request, attached is a copy of a Response filed April 21, 2004 along with a fax confirmation sheet and a copy from the PTO Log Sheet for outgoing mail for April 21, 2004.**Also sent via:** ☐ US Mail ☐ Overnight ☐ Messenger ☐ Email ☒ No Other

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DATE	S,R-TIME	DISTANT STATION ID	MODE	PAGES	RESULT
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04/21/2004 01:37 GREENBERG TRAURIG → #37724#012200#7038729306

NO.865 001

Greenberg Traurig
1750 Tysons Boulevard, 12th Floor
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Atty's Docket No. 37724.012200

In re application of: Paul G. Duncan et al.
Serial No.: 09/871,692
Filed: June 4, 2001

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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I hereby certify that this paper (2 pages total) is being
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Sandra Ferony
Sandra Ferony

Sir:

Transmitted herewith is a Response to Office Action in the above-identified application.

- ☒ Applicant claims the benefit of Small Entity Status.
☒ No additional claim fee is required.
- ☒ Affidavit Under 37 C.F.R. 1.132
☒ Notice of Appeal

The fee has been calculated as shown below.

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The fee has been calculated as shown below.

(1)	(2) CLAIMS REMAINING AFTER AMENDMENT	(3)	(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS	12	MINUS	12		x \$9.00	\$0.00
INDEP. CLAIMS	1	MINUS	1		x \$39.00	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM						
				TOTAL ADDITIONAL FEE FOR THIS AMENDMENT		\$0.00

☐ The amount of \$ _____ is included in the attached check.

GREENBERG TRAURIG	
DOCKETED	<input checked="" type="checkbox"/> AIRA
Initials	REK
Date	4/22/04
Ref. #	

Attorney Docket: 37724.011900
Serial No. 09/871,692

☐ Please charge my Deposit Account No. 50-0653 in the amount of \$_____. Two copies of this sheet are attached for this purpose.

Applicant(s) request(s) that the time for taking action in this case be extended pursuant to 37 C.F.R. §1.136(a).

☐ Included in the attached check is the statutory fee of \$ 0 for an extension of time for 3 months.

☒ If the box for the sentence immediately above is marked but no check is attached, then charge the statutory fee recited in such sentence for an extension of time of the number of months recited in such sentence to Deposit Account No. 50-0653. Two copies of this sheet are attached for this purpose.

☒ Charge the Statutory Fee of \$ 475.00 for an extension of time of 3 month(s) to Deposit Account No. 50-0653.

☒ The Commissioner is hereby authorized to charge any deficiencies in payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0653:

- ☒ Any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. §1.17.

Respectfully submitted,
Greenberg Traurig

DATE: April 21, 2003

BY: Richard E. Kurtz, (Reg. No. 33,935)

JUN 21 2004

Serial No. 09/871,692

COPYPATENT
Page 1 of 2IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**OFFICIAL**

In re Application of: Paul Grems DUNCAN et al.	Docket No.: 37724.012200
Serial No.: 09/871,692	Art Unit: 2878
Filing Date: June 4, 2001	Examiner: Kevin K. PYO
Title: Fiber Optic System and Method for Measuring the Pressure of Media	

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22315-1450

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (2 pages total) is being transmitted via facsimile by Sandra Ferony on April 21, 2004 to the United States Patent and Trademark Office at facsimile number (703) 703-872-9306

Sandra Ferony
Sandra Ferony**RESPONSE TO OFFICE ACTION**

Sir:

In response to the outstanding office action in the captioned application, Applicant submits the attached Affidavit of inventor Paul G. Duncan. The Examiner relies primarily upon U.S. Patent No. 6,496,265 filed February 15, 2001, in rejecting Claims 1-5, 7, 9, and 12 under 35 U.S.C. §102(e) and Claims 6, 8, 10, and 11 under 35 U.S.C. §103(a). The priority application for the '265 patent was filed 3 1/2 months before the priority application for the present application, and has common inventors with the present application-- namely, Paul G. Duncan and Sean M. Christian.

As the Examiner points out in paragraph 2 of the Office Action, "This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 C.F.R. 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 C.F.R. 1.131." Emphasis added.

The former option to overcome the rejection has been elected and attached hereto is an Affidavit by Paul G. Duncan under 37 C.F.R. 1.132 showing that any invention disclosed but not claimed in the application for the '265 patent was derived from the same inventor of claim 1 of this application and is thus not the invention "by another."

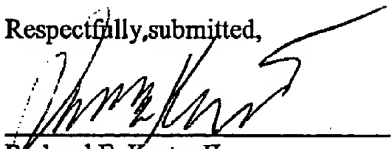
The Duncan Affidavit further shows that at the time the present invention was made, the subject matter of the '265 patent and the presently claimed invention were owned by the same entity or subject to an obligation of assignment to the same entity. Applicant directs the Examiner's attention to 35 U.S.C. 103(c) in this regard.

Serial No. 09/871,692

PATENT
Page 2 of 2

Having overcome the rejections as proscribed by the Examiner, it is submitted that claims 1-12 are in condition for allowance and Notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is courteously requested to contact applicant's undersigned representative.

Respectfully submitted,


Richard E. Kurtz, II
Reg. No. 33,936
Attorney for Applicant

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Suite 1200
McLean, VA 22102
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Filed: April 21, 2004

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APR 21-2004 WED 12:41 ID: AIRAK INC

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Serial No. 09/871,692

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Page 1 of 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Paul Grems DUNCAN et al.	Docket No.: 37724.012200
Serial No.: 09/871,692	Art Unit: 2878
Filing Date: June 4, 2001	Examiner: Kevin K. PYO
Title: Fiber Optic System and Method for Measuring the Pressure of Media	

AFFIDAVIT UNDER 37 C.F.R. 1.132

I, Paul G. Duncan, declare and say
as follows:

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via facsimile by Sandra Ferony on April 21, 2004 to the United
States Patent and Trademark Office at facsimile number (703) 783-
871-9318. *Sandra Ferony*
Sandra Ferony

1. I am a citizen of the United States and reside at 8544 Electric Avenue, Vienna, Virginia 22182.
2. I am an inventor of U.S. Patent No. 6,496,265 ("The '265 Patent") and the above-captioned patent application.
3. The disclosure in The '265 Patent that has been applied by the Examiner to independent claim 1 of the present application was invented by me. Specifically, the disclosure of Figures 1 and 8, col. 1, lines 52-64, and col. 2, line 15, of The '265 Patent were my invention.
4. The invention of claim 1 of the present application was also invented by me.
5. At the time the present invention was made, the subject matter of the '265 patent and the presently claimed invention were owned by the same entity or subject to an obligation of assignment to the same entity.
6. The undersigned declares further that all statements made herein of his own knowledge are true and that all statement made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patents issuing thereon.

Further declarant saith not.

4-21-04
Date

Paul Grems Duncan
Paul Grems Duncan

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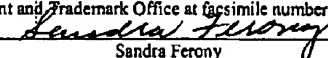
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 21 2004

In re Application of: Paul Grems DUNCAN et al.	Docket No.: 37724.012200
Serial No.: 09/871,692	Art Unit: 2878
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Sandra Ferony

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Appeals from the decision dated October 21, 2003 of the Primary Examiner finally rejecting claims 1-12.

The \$165.00 Appeal Fee is:

enclosed (Check No. _____)

not required (fee paid in prior appeal on this application)

X requested to be charged to Deposit Account No. 50-0653

Applicant further petitions for any extension of time required to render the filing of this notice timely which may be in excess of any extension previously granted and paid for and requests that the cost of such extension be charged to Deposit Account No. 50-0653. The Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0653.

Respectfully submitted,



Richard E. Kurtz, II

Reg. No.: 33,936

Greenberg Traurig
1750 Tysons Boulevard, Suite 1200
McLean, Virginia 22102
703-749-1330

April 21, 2004

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P	DATE	CONTENTS	S/N	CLIENT	MATTER	H/C	MARK
4/24	4/21/04	Transmittal; Response to Office Actions; Affidavit; Notice of Appeal	09/871632	37224	012200		Est. B FACUM 4
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4/24	4/21/04	1) Provisional Appln. Transmittal 2) 8 pages of spec. & 1 page of title sheet 3) 9 sheets of drawings (Figs 1-9) 4) \$160.00 check to deposit acct. 5) Return; Postcard 6) Orange sheet					
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4/22/04		1) Provisional Appln. Transmittal 2) 6 pages of Specification 3) 4 pages of drawings 4) \$160.00 check to deposit acct. 5) Return; Postcard					
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4/27/04		1) Response to Notice To File Missing Parts 2) Copy of the Notice 3) Appln. Data Sheet 4) Check #014072 for \$11.00					
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5/39	4/30/04	New Provisional Patent Appln; Transmittal; 5 pages Spec. Title Page; 1 sheet of Draw. (Figs 1-2) Filing fee to Dep. Acct.; Application Data SHt. Orange sheet					
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5/35	4/30/04	Ult. lity Appln. Transmittal 2) 2 pages of text (1 p. title page, 1 p. specification, 1 p. of claims, 1 p. Abstract) 3) 19 sheets of drawings 4) Postcard					
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